IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 312 OF 2007
IN
CRIMINAL APPEAL NO. 270 OF 2007
WITH
CRIMINAL APPLICATION NO. 313 OF 2007
WITH
CRIMINAL APPLICATION NO. 314 OF 2007

Mohmad Jakir Mohd. Muktar Shaikh ..Applicant/ Accused

versus

State of Maharashtra ..Respondents

Mr. S. Y. Kale for the Applicant - accused.

Mr. P. S. Hingorani, APP for the Respondents - State.

CORAM : D. G. DESHPANDE, &
SMT. NISHITA MHATRE, JJ.

DATE : 15TH MARCH, 2007.

P.C.

1. Heard Advocate for the Applicant / Accused and learned APP for the State.

2. Application No. 312 of 2007 is for condonation of delay of 282 days. The delay occurred, according to the explanation given by the accused because there was nobody to look after the

legal proceedings and matter and that his family is residing at Bihar. In view of this explanation, we condone the delay. Application is allowed and disposed of accordingly.

3. Appeal admitted.

4. So far as Application No. 314 of 2007 is concerned, the same is filed that it should be declared that he was a Juvenile at the time of commission of offence. The application cannot be decided in this manner, we will have to consider all the evidence on record, and, therefore, this issue can only be decided at the time of final hearing of the Appeal. Application therefore disposed of. Issue is kept open.

5. Application No. 313 of 2007 is for bail. Put up after two weeks.

(SMT. NISHITA MHATRE, J.) **(D.G. DESHPANDE, J.)**